

REMARKS

This responds to the final Office Action dated 11 May 2010. Independent claims 1, 21, 33, 38, 43, 50 and 55 are amended. The amendments are supported by at least FIGS. 5A-D and the description at pages 6-7 of the present application. No new matter has been added. Applicant requests reconsideration of the application in view of the foregoing amendments and following remarks.

Drawing Objection

The drawings stand objected to under 37 CFR 1.84(p)(5) because they lack reference numbers which had been added to the specification previously. FIGS. 5I and 5J have been amended to include reference nos. 551, 553, 555 and 557, and FIGS. 6A-6D have been amended to include reference nos. 607, 609, 611. Replacement drawing sheets are submitted herewith.

Interview Summary

On 2 August 2010, the undersigned attorney, L. Grant Foster, engaged in an in-person interview with Examiner Jing Ou and Supervisory Patent Examiner Uyen (Jackie) T. Ho. The parties discussed the above-specified amendments and the prior art of record. An agreement was reached that the amendments set forth above would distinguish over the art of record.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 1, 3, 6-17, 21-29, 33-36, 38-46, 49-51, 53-55 and 59 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,681,334 to Evans et al. in view of U.S. Patent No. 5,662,681 to Nash et al., U.S. Patent No. 6,475,230 to Bonutti et al., and U.S. Published Application No. 2004/0147958 to Lam et al. Applicant respectfully traverses this rejection.

Independent claims 1, 21, 33, 38, 43, 50 and 55, as amended, recite either “a housing and at least first and second cantilevered locking posts extending from the housing,” or “a housing and at least two cantilevered locking posts extending from the housing.” Claims 1, 21, 33, 38, 43, 50 and 55, as amended, also recite that the “suture locking mechanism being rotatable between a non-locked position and a locked position” (claim 1), “the locking device being rotatable between a first orientation and a second orientation” (claim 21), “the suture locking assembly being rotatable between unlocked and locked positions” (claim 33), “the locking element being rotatable between a first orientation and a second orientation” (claim 38), “the locking element being rotatable between a first orientation and a second orientation” (claim 43), or “the inner housing assembly being rotatable between a first position and a second position” (claims 50 and 55).

Evans is directed to an apparatus 20 used to apply a collagen 22 to inhibit the flow of blood through a percutaneous puncture 10. The apparatus includes a suture 24A-C, a washer or disk 46, a housing 26, and a tamping member 28 for placement of the collagen 22 at the puncture 10. The collagen 22 is expelled from the housing 26 with the tamping member 28 at the puncture 10. The collagen 22 may be held in place at the puncture 10 with the disk 46, wherein

the sutures 24A, 24B are frictionally held in a passageway 48 of the disk 46. Evans fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts. Evans also fails to disclose or suggest “cantilevered locking posts” as recited in claims 1, 21, 33, 38, 43, 50 and 55.

Nash discloses additional features of a closure device such as an anchor 32. However, Nash also fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts. Nash further fails to disclose or suggest “cantilevered locking posts” as recited in claims 1, 21, 33, 38, 43, 50 and 55.

Bonutti discloses with reference to FIG. 29 a suture retainer 622 that includes a conical body 624 that is positioned in a cylindrical sleeve or base 626. Bonutti, like Evans and Nash, fails to disclose or suggest a rotatable suture locking mechanism that includes a housing and locking posts. Bonutti also fails to disclose or suggest “cantilevered locking posts” as recited in claims 1, 21, 33, 38, 43, 50 and 55.

Lam discloses with reference to FIGS. 9A-9C a locking device that includes a pair of flexible rods 70a, 70b about which a suture 39 is wound. The rods 70 are fixed at opposing ends to first and second ends 67a, 67b of an outer cylinder 66 (*see* FIG. 7A and the description at paragraph [0074] of Lam). Lam fails to disclose or suggest “a housing and at least first and second cantilevered locking posts extending from the housing,” or “a housing and at least two cantilevered locking posts extending from the housing,” as required by claims 1, 21, 33, 38, 43, 50 and 55.

In view of the above, Applicant submits that Evans, Nash and Bonutti, alone or in combination, fail to disclose or render obvious every limitation of claims 1, 21, 33, 38, 43, 50 and 55, and the claims that depend from them.

Conclusion

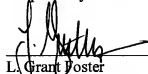
For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Applicant expressly disclaims all arguments, representations, and/or amendments presented or contained in any other patent or patent application, including any patents or patent applications claimed for priority purposes by the present application or any patents or patent applications that claim priority to this patent application. Moreover, all arguments, representations, and/or amendments presented or contained in the present patent application are only applicable to the present patent application and should not be considered when evaluating any other patent or patent application.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 08-2623.

Dated: 11 AUGUST 2010

Respectfully submitted,



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